

SENATE BILL NO. 338

INTRODUCED BY J. BALLYEAT

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT BOARDS REGULATING A PROFESSION OR OCCUPATION MAY NOT ENFORCE STANDARDS AND RULES IN A MANNER THAT DISCRIMINATES AGAINST ANY PERSON LICENSED BY THE BOARD WITH REGARD TO HOW THE STANDARDS AND RULES ARE APPLIED TO OTHER PERSONS LICENSED BY THE BOARD OR IN A MANNER THAT RESTRAINS TRADE OR COMPETITION BY PERSONS OR BUSINESSES OTHERWISE QUALIFIED; AND AMENDING SECTION 37-1-131, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 37-1-131, MCA, is amended to read:

"37-1-131. Duties of boards -- quorum required. Each board within the department shall:

(1) ~~(a) set~~ adopt and enforce standards and rules governing the licensing, certification, registration, and conduct of the members of the particular profession or occupation within its jurisdiction; and

(b) (i) apply the standards and rules referred to in subsection (1)(a) in a manner that does not discriminate against any person licensed by the board with regard to how the standards and rules are applied to other persons licensed by the board; and

(ii) apply the standards and rules referred to in subsection (1)(a) in a manner that does not restrain trade or competition from persons or businesses that are otherwise qualified to practice the profession or occupation;

(2) sit in judgment in hearings for the suspension, revocation, or denial of a license of an actual or potential member of the particular profession or occupation within its jurisdiction. The hearings must be conducted by a hearing examiner when required under 37-1-121(1).

(3) suspend, revoke, or deny a license of a person who the board determines, after a hearing as provided in subsection (2), is guilty of knowingly defrauding, abusing, or aiding in the defrauding or abusing of the workers' compensation system in violation of the provisions of Title 39, chapter 71 or 72;

(4) pay to the department its pro rata share of the assessed costs of the department under 37-1-101(6);

(5) consult with the department before the board initiates a program expansion, under existing legislation, to determine if the board has adequate money and appropriation authority to fully pay all costs

1 associated with the proposed program expansion. The board may not expand a program if the board does not
2 have adequate money and appropriation authority available.

3 (6) A board, board panel, or subcommittee convened to conduct board business must have a majority
4 of its members, which constitutes a quorum, present to conduct business."

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